

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

*Granted.
Shawn L. Lottant
10/15/13*

NINA PORTER,

PLAINTIFF,

v.

CAROLYN W. COLVIN,
ACTING COMMISSIONER
OF SOCIAL SECURITY,

DEFENDANT.

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CASE NO. 1:13-cv-522

JUDGE DLOTT

MAGISTRATE JUDGE LITKOVITZ

MOTION FOR A STAY OF CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of this case as explained below.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including funding for the Office of the General Counsel of the Social Security Administration. The Department does not know when funding will be restored.

2. Absent an appropriation, Department of Justice attorneys and employees of the Office of the General Counsel of the Social Security Administration are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests an order staying this case. The Department requests that this stay remain in effect for a period not to exceed ten (10) calendar days after appropriations for both the Department of Justice and the Social Security Administration have resumed. The Government requests that when the Court lifts the stay, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

4. Opposing counsel has been contacted and does not oppose this motion for stay.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case given the inability of Department of Justice and Social Security Administration attorneys to engage in their normal civil litigation functions.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/John J. Stark
JOHN J. STARK (0076231)
Assistant United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
Phone: (614) 469-5715
Fax: (614) 469-5240
john.stark@usdoj.gov

Of counsel:

GRACE KIM
Acting Regional Chief Counsel
Social Security Administration

Deepa Rajkarne
Special Assistant United States Attorney
200 West Adams Street, 30th Floor
Chicago, Illinois 60606
Phone: (877) 800-7578

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve counsel of record.

s/John J. Stark

JOHN J. STARK (0076231)

Assistant United States Attorney